1			
2			
3			
4	UNITED STATES DISTRICT COURT		
5	DISTRICT OF NEVADA		
6	*	* *	
7	USF INSURANCE COMPANY,)	
8	Plaintiff,)	
9	v.)	2:10-cv-001513-RLH-LRL
10	SMITH'S FOOD AND DRUG CENTER, INC.,)	ORDER

d/b/a/ SMITH'S FOOD AND DRUG CENTER,

Defendants.

#377, et al.,

Before the court is plaintiff's Affidavit in Support of USF Insurance Company's Request for Attorney's Fees and Costs on Motion to Compel Discovery Responses (#32), filed pursuant to the court's June 16, 2011 Order (#31) requiring defendant to pay the reasonable expenses, including attorney's fees and costs, incurred by plaintiff in bringing the Motion (#15) and Reply (#24). Also before the court is plaintiff's Supplemental Affidavit of Pamela McKay (#37), filed pursuant to the court's Minute Order (#36).

In LR 54-16(b)(3), the District of Nevada has set forth the factors to consider in awarding attorney's fees. These factors are the same as those set forth by the Ninth Circuit in *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975). Both allow the court to consider, among other things, (1) the time and labor required, (2) the skill requisite to properly perform legal services, and (3) the novelty and difficulty of questions presented. Plaintiff requests attorney's fees in the amount of \$3,080, representing 6.4 hours to prepare the Motion to Compel (#15), which includes 1.5 hours for legal research; 5.2 hours to evaluate defendant's opposition to the motion; and 6 hours to prepare the

Case 2:10-cv-01513-MMD-VCF Document 40 Filed 07/06/11 Page 2 of 2

Reply (#24), which includes 1.9 hours for legal research. Pamela A. McKay performed all billable work on this matter at a rate of \$175/hour. Supp. Aff. (#37) at ¶5. The court finds these fees and costs to be reasonable. Accordingly, IT IS ORDERED that plaintiff's Motion to Compel Discovery Responses (#15) is granted to the extent that defendant shall, not later than August 5, 2011, pay to plaintiff the sum of \$3,080.00 as the reasonable attorney's fees and costs incurred by plaintiff in bringing the Motion (#15) and Reply (#24). DATED this 6th day of July, 2011. 47 Leavis LAWRENCE R. LEAVITT UNITED STATES MAGISTRATE JUDGE